

PANCHHI RAM v. UNION OF INDIA THROUGH INTELLIGENCE OFFICER, NCB , (2022-2)206 PLR 452, 2022 PLRonline 6364

PUNJAB AND HARYANA HIGH COURT

Before: Mr. Justice Avneesh Jhingan.

PANCHHI RAM – Petitioner,

Versus

UNION OF INDIA THROUGH INTELLIGENCE OFFICER, NCB – Respondentn.

CRM-M-47383-2021

Criminal Procedure Code, 1974 (II of 1974), S. 438 – Bail – Petitioner was not apprehended from the spot – No recovery is to be made from the petitioner – His name surfaced in a disclosure statement – He has no criminal antecedents – Co-accused has already been granted regular bail by this Court – Release on bail – Narcotics Drugs and Psychotropic Substances Act, 1985 (61 of 1985).

Mr. Suram Singh Rana, for the petitioner. Ms. Gurmeet Kaur Gill, Sr. Panel Counsel, Union of India NCB

Avneesh Jhingan, J (Oral): – (17th November, 2021) –

[1] This petition under Section 439 Cr.P.C. is filed seeking regular bail in case crime No. 49, dated 29th September, 2020, under Sections 8, 20, 25, 27-A and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 [hereinafter referred to as ‘Act’], registered at Police Station Mullanpur, District SAS Nagar.

[2] The brief facts are that on a complaint made by Intelligence Officer, checking was done on 29.09.2020 in the area of village Siswan. Simran Singh, Harish Kumar and Gorakhjeet Singh were apprehended while travelling in Innova car bearing registration No. PB-29R-9274. There was recovery of 1.005 kgs of Charas from the car. On the basis of disclosure statement made by Harish Kumar, Vijay Kumar was nominated stating that he had made arrangements of Charas from Kullu. Vijay Kumar named Panchhi Ram (petitioner) stating that he had arranged the charas.

[3] Reply filed on behalf of respondent-N.C.B. is taken on record, copy thereof is supplied to learned counsel for the petitioner.

[4] Learned counsel for the petitioner submits that petitioner is in custody since 1st

September, 2021. He was nominated on the basis of disclosure statement. No recovery was made from him and investigation is complete.

[5] Learned counsel appearing for N.C.B. opposes the prayer for grant of regular bail. She submits that the petitioner, Harish Kumar and Vijay Kumar are known to each other, number of calls were made to each other on 28th September, 2020. She further submits that recovery is of commercial quantity. She on instructions fairly submits that petitioner is not involved in any other case under the Act.

[6] Petitioner was not apprehended from the spot. No recovery is to be made from the petitioner. His name surfaced in a disclosure statement. He has no criminal antecedents. So far as the contention of learned counsel appearing for NCB that the petitioner, Harish Kumar and Vijay Kumar had made a number of calls to each other, the same would be subject matter of the trial. Co-accused has already been granted regular bail by this Court.

[7] The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

[8] The petition is allowed.

[9] It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

R.M.S.

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Petition allowed.